

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA,)	Case No. 1:19cr337 Hon. Liam O'Grady
)	
v.)	
ANDREW JON THOMASBERG,)	
)	
<i>Defendant.</i>)	

ORDER

This matter is before the Court on the Emergency Motion to Modify the Sentence of Defendant Andrew John Thomasberg. Dkt. 48. The Government opposed the motion without contesting the Court's jurisdiction or authority to provide the requested relief. Dkt. 49. The issues are ripe for review and no hearing is necessary.

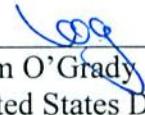
On February 28, 2020, Defendant was sentenced to be incarcerated for twelve months and one day. He is presently incarcerated at FCI Cumberland, in Cumberland, Maryland, and scheduled for release on July 27, 2020. He asks this Court to modify his sentence by allowing him to serve the remaining four months in home confinement in McLean, Virginia.

Defendant's motion rests entirely on a single basis: he contends that his vulnerability to COVID-19 is increased because of his chronic Lyme Disease and prison conditions. Yet the pleadings show that the county in which Defendant's home confinement would occur has reported at least 288 confirmed COVID-19 cases, while the county of incarceration has reported just two—and FCI Cumberland itself has experienced none. Moreover, the Bureau of Prisons has enacted a fourteen-day quarantine, and FCI Cumberland is now closed to the public. While Defendant's requested relief would cause travel, interactions with others, and for him to reside in a place with a higher known infection rate, his current placement does not carry these risks.

Accordingly, the motion is hereby **DENIED**, subject to refiling if conditions at FCI Cumberland change.

It is **SO ORDERED**.

April 2, 2020
Alexandria, Virginia


Liam O'Grady
United States District Judge